

REMARKS

Claims 1-13 and 21-44 are pending in the present application. Claims 14-20 were previously canceled. Claims 36-44 have been added and claims 1, 4, 5, 7, 8, 10, 11, 13, 21, 24, 25, 27-29 and 32-35 have been amended. No new matter has been added.

The Office Action states that the preamble of the claim is not commensurate in scope with the body of the claim. While Applicant respectfully disagrees with the rejection, Applicant has amended claims 1 and 28 to remove any recitation of "integrated circuit" in order to move prosecution along. Since the body of the text made no mention of the integrated circuit, the scope of the claim has not changed and, therefore, entry of the amendment is appropriate.

Claim 1 has also been amended to correct a typographical error. Other clarifying amendments have also been made. No claim has been narrowed in scope in view of prior art (or any other requirement for patentability).

Each of the pending claims has been rejected in view of U.S. Patent No. 6,566,273, issued to Stephan Kudelka (hereinafter "the Kudelka patent"). Applicant respectfully submits that the Kudelka patent is not valid prior art under Section 102 in view of the previously submitted translation and affidavit, as well as the Statement of Common Ownership submitted herewith.

The application that resulted in the Kudelka patent was published on January 2, 2003 (U.S. Patent Application Publ. No. 2003/0003759). The present application claims the benefit of German patent application 102 55 866.2, which was filed on November 29, 2002. A translation of the German priority application was previously provided and clearly supports the presently claimed invention.

In the Advisory Action, the Examiner stated that document previously submitted is not "a certified copy of an English language translation of their priority document," and therefore improper to claim the benefit to the German filing. The MPEP states that "[t]his translation must be filed together with a statement that the translation of the certified copy is accurate." Applicant has provided such a statement. That being said, Applicant is now having a statement prepared by a fluent German speaker. This paper will be provided shortly.

Since Applicant has proven benefit of the German filing date in November 2002, the Kudelka patent cannot be a reference under 35 U.S.C. § 102(a) or (b) since it was not originally published until January 2003. The Kudelka patent was, however, filed in June 2001 and therefore, without further showing by Applicant, would be a reference under 35 U.S.C. § 102(e).

Applicant has provided herewith a Statement of Common Ownership that states that both the present application and the Kudelka patent were at all relevant times owned by, or subject to an assignment to, a common assignee. Therefore, any obviousness rejections utilizing the Kudelka patent are overcome.

The Kudelka patent was originally filed on June 27, 2001, before the priority date. The reference is not valid prior art under Section 102(e), however, since the reference describes Applicant's own work and, therefore, is not "by another." See MPEP § 2136.05. As evidence of this fact, Applicant previously provided an affidavit by Stephan Kudelka. Mr. Kudelka is a co-inventor of the present application and the sole inventor of the Kudelka patent. Mr. Kudelka declares that any portions of the '273 patent that describe subject matter claimed in the above-referenced patent application was

developed by him or learned by him from his co-inventors in the above-referenced patent application.

Claims 36-44 have been added herein. No new matter has been added. For example, these claims are supported at least by originally filed claims 1, 4, 5, 6, 10, 11 and paragraphs 32 and 44. Applicant respectfully submits that these claims are allowable.

Applicant respectfully submits that the claims are in condition for allowance. No new matter has been added by this amendment. If the Examiner should have any questions, please contact Applicant's attorney at the number listed below. The Commissioner is hereby authorized to charge any fees that are due, or credit any overpayment, to Deposit Account No. 50-1065.

Respectfully submitted,

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Date

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